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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CHARLES BARRETT,  
  
Defendant.

CASE NO. 1:22-CR-00213-ADA-BAM

AMENDED STIPULATION FOR PROTECTIVE  
ORDER; ORDER

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. On January 19, 2023, Magistrate Judge Barbara A. McAuliffe signed a protective order after receiving a stipulation from the parties. ECF Doc. 36. The parties now come before the Court to request modification of the protective order. Specifically, the parties request that the defense digital forensic expert, Mr. Jason Hawks, be permitted to retain a forensic copy of the Victim's Phones for examination, subject to the limitations outlined below.

2. The Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure and its general supervisory authority.

3. Defendant Charles Barrett is charged with two counts of aggravated sexual abuse and one

1 count of abusive sexual contact during a several-day span in 2016. Indictment, ECF 1, at 1-2. As the  
2 government indicated at a status conference on January 10, 2023, law enforcement collected two cellular  
3 phones belonging to victim K.G. during the investigation (the “Victim’s Phones”). Minutes of Jan. 11  
4 Status Conf., ECF 33. Defendant has indicated during recorded calls from Fresno County Jail that  
5 exculpatory information may be found on one or more of the phones. *Id.* However, the Victim’s  
6 Phones also contain a significant amount of information in which K.G. carries a significant privacy  
7 interest and which is of no relevance to this matter. *See Riley v. California*, 573 U.S. 373, 395, 401  
8 (2014) (noting that individuals who carry cell phones use them to record “nearly every aspect of their  
9 lives—from the mundane to the intimate,” and generally requiring warrant to authorize search of cellular  
10 phone during law enforcement investigation).

11 4. Since the signing of the protective order on January 19, 2023, the defense counsel has  
12 retained Mr. Jason Hawks, an expert in the field of digital forensic examinations. On March 16, 2023  
13 Mr. Hawks requested to maintain a copy of the Victim’s Phones in his office for examination.

14 5. Counsel for both parties desire to add an additional term to the protective order  
15 previously signed by the Court. The terms of the protective order signed by the Court remain in effect,  
16 with the following addition:

17 6. Mr. Jason Hawks, the defense digital forensic expert, may be permitted to possess the  
18 Victim’s Phones in a secure location for examination. Mr. Hawks will act will reasonable care to ensure  
19 that the contents of the Victim’s Phones are not disclosed to third persons in violation of this agreement.  
20 Mr. Hawks will be responsible for complying with the terms of this agreement.

21 7. Mr. Hawks’ review of the Victims Phones will be consistent with the original protective  
22 order. Thus, the review will be a focused and targeted review for forensic purposes.

23 8. The contents of the Victim’s Phones may only be used in connection with the litigation of  
24 this case and for no other purpose. The discovery is now and will forever remain the property of the  
25 United States Government. Mr. Hawks will return the Victim’s Phones to the Government or certify that  
26 it has been destroyed at the conclusion of the case.

27 9. The United States informed the Victim of the proposed modifications to the protective  
28 order. The Victim is concerned at the further intrusion of her privacy but does not object as long as the

protective measures outlined above are scrupulously followed.

IT IS SO STIPULATED.

Dated: 3/20/2023

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Dated: 3/20/2023

/s/ TIMOTHY P. HENNESSEY  
DAVID A. TORRES  
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TIMOTHY P. HENNESSEY  
DAVID A. TORRES  
Counsel for Defendant  
CHARLES BARRETT

### ORDER

The stipulation by the parties is adopted in full. The Court underscores the confidential nature of the victim information and the need for strict observance of the protective order. Defendant's counsel shall serve a copy of this order on his expert and file a proof of service with the Court within seven (7) days of this order.

IT IS SO ORDERED.

Dated: March 20, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE